

GENERAL COMMENTS TO REJECTION

I am surprised that in the USA this information that explains my invention is not enough transparent as it:

Contains clear references relating to the human body's anatomy.

As we actually talk about Biology's basics it describes the nature of the invention, and the preferred stretching process such way that it avoids overflowing overinforming texts as it anyways addresses experts on a BS or above level in Biology.

I feel backed up and seem so certain that we talk about an invention as said text:

A) Has been written for patent experts by patent experts.
After I have demonstrated the whole idea with an example of a prototype, and the matter has been pre checked for patentability prior to application.

B) The exact same text has been understood, acknowledged and indeed has been granted by at least the European, the Chinese and the Japanese Patent examiners, all are members of the W-P-O.

As the current invention seems not obvious I try to summarize:

The general idea is to create a support for a person with e.g. backpain so that he/she can lie down, spread the arms sideways and have gravity stretch the arms without any limitations.

To do alike it is necessary that the desired construction has a certain height, so the arms never reach the floor (resistance) - a logical effect from anatomy.

To achieve the desired posture correcting stretch effect, which also affects the full spine (back), it is essential that the body is lying in a more or less flat (horizontal) alignment.

The invention is assembled of 3 essential interdependent elements that can be seen as 3 essential construction elements.

A) A body support that makes it safe to have a person lie down on it and feel safely supported.

B) A head support that makes it safe to have a person lie down on it and to safely find a centered position.

C) A bridge between the 2 elements at the shoulder area: This bridge is big enough to bare the users shoulder blade area (That includes the muscles that embed the shoulderblade) Those start already at the spine Therefore the term "substantially" is necessary as the spine needs more or less full support- So this bridge (the left over of the cut outs) is preferably narrow.

Those 3 interdependent elements assembled to a flat device are the must to use the invention.

The application shows several examples of how the said assembly can be integrated into different pieces of furniture.

If the user already has e.g. a table. He can also only buy a device that has 2 elements (head rest plus bridge) to complete a full assembly with such attachable add on element.

Or if the user has no space in his home he buys the platform alone and places this assembly onto 2 chairs which replace the assemblies' legs.

As the stretching idea and device doesn't exist - so neither those add on elements nor the integrated assemblies exist.

That is more or less proofed in Europe and Asia in the form of a patent award.

Noone before me had the scope to use the 3 "assembly parts" in the applications described configuration with a flat alignment - in order to help those masses of people with a sore back.

If anyone had done alike - this product, I am certain, would be in use by those masses who suffer from backpain.

Measurements: There is no measurements given - as the basic concept relates to the human body and can be understood like a

t-shirt - It can span the idea from schoolchildren to obese grownups in kind of one size fits more categories - and therefore needs only kids-youth- adult -xtra large sizes (comparable to beds' lengths.)

The basic concept though is explained in the application referring to an average human. Here are some examples of the references that are mentioned next to the explanation of the stretching posture's recorrecting process.

A...the shoulder blade areas can be moved at least substantially freely downward, i.e. past the support surface toward the rear side [0006].....

B. "..... at shoulder blade level, the support surface provides only a central, preferably narrow and at least partial support in the spinal column area" [0006]

The category : We want to support people who suffer from a sore back via an inbetween relaxing device. I am talking about e.g. office workers, students and others who sit, or are bent forward too long at work tables... Its also for workers in home offices, people who watch Tv for too long... Most often it is screen world victims.... but it is also for stressed people who have a hunched or sunken in posture per se.

A product in order to be understood by the user needs to communicate its clear purpose--

Mix ups with a bench-press would create a "fatal" safety issue though !

The use of weights overburdens the muscles, ligaments and joints once they have support by the shoulder blade, which is partly (at least the inner part) in constant contact to the bench's surface.

Our cut outs are so deep, that they bare the shoulder blade area--

A , weight bench designed alike, could guarantee product liabilities. plus they'd exceed the ISO standards.

We only talk about a few centimeters, but they make the difference.

So next to the fact that the use of weights is unsafe it is above all not at all relaxing our users. The use of weights endangers and diffuses the idea of the product to finally be understood, so it is even good that both devices distinct from each other

MISCOMMUNICATION

Within the rejection I find 2 basic misunderstandings.

A) FURNITURE ITEM FOR OFFICE HOME WORK AND LEISURE:
I haven't heard of a workout bench in an office environment. but know that doctors and dentists are for sure people who work for too long in bent forward work postures. As well as house wives, mothers carrying babies , home computer users can need some relaxing time for their backpain.

Each term alone of office, home , leisure, furniture is open for misunderstandings, but the combination of them and understanding the term "leisure" in its main use as "time out" in terms of "chilling" or "relaxing" with "no activity. " .. then the combination helps to describe the product's actual category.

B) THE BRIDGE IS ASSUMED TOO WIDE:

To place the shoulder blades into the indentations is not enough. We describe the arm's downwards movement without substantial restrictions . In this moment the spatula is moving surprisingly far inwards-

The shoulder blades , at least the shoulder blades' embedding muscles almost touch, (shoulder blade area) once gravity is stretching one's arms down for a while, as THE SPATULA IS A MOVING OBJECT !



The sketch demonstrates what happens once all parameters are right. The shoulderblades get around and under the surface Only then the chest muscles can be nicely stretched, and gravity has a full effect on the arms.

We truly refer to the whole meaning of the shoulder blades' areas rather than just the sides that are closer to the arms, like e.g. in bench pressing. That is why our cutouts are really deep (a good quality board has 1 1/2 to 3 fingers as the width of the bridge. 4 fingers is already substandard).

Maybe it is something like an optical illusion - but most people underestimate what happens once we let gravity perform on our stretched out arms.

In fact I face objects as rejections where our described effect is indeed not happening. On all of the inventions shown as a rejection at least one major parameter is different or cannot be changed as then it would change the meaning of its original intentions (subject matter).

Looking at the rejections from the point of a greenhorn and without criticism, plus a certain thankfulness that this paper is defending all already established Patents so well,

I just cannot understand why each single structural part is tried to be taken to pieces rather than leaving the whole assembly together. The "spare parts" ripped out destroy the basic idea.

With no respect to logical consequences some of the sentences are partly cited as if they had no subordinate clauses next to their main clause. and as if there were no 2 single sentences explaining or building a whole meaning.

A pear has seeds, a pit, a stalk a core and still is not an apple.....

If all applications had to be checked with sparepart atomizing standards , then most inventions (except first appliers of inventions using a single gearwheel bear ring, spring or screw) couldn't be patentable. The consequences of such case: The entire archive would be shrunken down to almost zero. That does not support the economy, patenting's actual basic idea.

In Europe in China and Japan my invention, has already been awarded a patent - The Usa is the only territory rejecting.

In my American rejections I am shown several inventions that have amongst each other closer closenesses and obviousness But as they have American patents granted, I ask myself: Have they all examined them with different interpretations of the rules and regulations or with different eyes ?

Looking at my invention's basic purpose plus respecting Human anatomy's basic rules - it turns out that there is not one second solution that indeed solves my porpose in a satisfyingly manner. They cannot be misused from a different materiality or altered without following their initial purpose and vice versa! It does not exist neither as an ideas nor as a product .

Neither the the Chinese, Japanese nor the European patent officers could find such solution.

It is interesting that In his revision the European examiner initially rejected my invention by pointing as well at DANYLIEKO.

All inventions I have been shown are actually missing at least one of the essential elements or dispose them in a wrong dimension -- some use very similar vocabulary - their context clearly reveals that they have different interpretations according to their art and do not mean same things. Or within their art they have limitslike safety limits - or rules that don't allow such changes , or they even teach philosophies seeing parts of our invention as a disadvantage.

I hope to meet your understanding that I cannot accept the rejections, for my mentioned reasons and further kindly ask for reconsidering the rejections, maybe also with the help of having a look at my detailed arguments.

The application is definitely worth being revised, as this product can help millions of Americans. Once you give it the chance to hit the market it reliefs many of them from their back pain.

Thank you very much for your understanding and attention

Joachim Berc

PLEASE FIND A FEW COMMENTS FROM EXPERTS ABOUT THE USE OF WEIGHTS AND BENCHPRESSING



<http://www.abc-of-fitness.com/training-with-free-weights/fly.asp>

Fly (Training with Free Weight)

The chest is made up of pectoral muscles - major and minor. The pectoralis major covers the front of the upper chest and is attached to the upper arm. This muscle is responsible for major arm movements such as flexion, rotation, and adduction towards the body.



Strengthen your pectoral muscles by doing exercises that target those muscles. The Fly is one of those exercises.

When performing the Fly, don't bring the dumbbells down in such a way that your elbows are much below shoulder level.

Keep the same angle of your arms through the whole movement.

To prepare your muscles and reduce the risk of injury, make sure to do some warm-up exercises before doing the Fly, or any type of exercise for that matter. Learn how to do the Fly in this section:



<http://www.exrx.net/Kinesiology/Weaknesses.html>

Infraspinatus Weakness

Increased risk of shoulder injury occurs during throwing and shoulder transverse flexion and transverse adduction activities, particularly when the elbow travels behind shoulder. Risk is compounded with a protracted shoulder girdle. The strong stabilizing and dislocating forces of the Pectoralis Major (Sternal and Clavical) is counteracted by the Infraspinatus, Teres Minor, and to a lesser extent, the rear deltoid and long head of the triceps brachii. This counter force is most crucial during:

- 0. initiation of a transverse adduction/flexion
- 0. elbows behind shoulders
- 0. stabilizing force
- 0. during the end of a throwing movement
- 0. high deceleration/dislocating forces required of the posterior cuff can cause breakdown in their tendons near their humeral attachment.

External rotation-muscular endurance / internal rotation-muscular endurance should be greater than 70%.

0.

0. Examples of affected exercises with suggestions for high risk individuals:

Bench Press: Bring bar lower on chest, keeping elbows closer to sides.

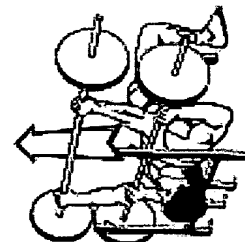
Chest Press: Elevate seat so elbows are closer to sides

Range of motion may need to be limited so elbows do not go behind shoulders

0. Example preventative / corrective exercises:

0. Lying External Rotation

0. Rows



Who is Dr. Ian King

For nearly two decades when the world's top athletes were searching for the man with the answers in regard to athletic preparation, Ian King is the person they most sought out. King has developed the training programs for hundreds of elite athletes in over 20 sports and from more than 10 countries. King has prepared athletes for every winter and summer Olympic Games since 1988, and every Commonwealth Games since 1984, as well as World Championships and World Cups in numerous sports.

When not instructing athletes on how to reach their maximum physical potential, King is also an educator and contributing writer to a number of magazines to include Men's Health, Mind and Muscle Power, and Testosterone.

<http://www.criticalbench.com/benchmark-secrets.htm>

Bench Press Articles

15 secrets to a Bigger Press Bench by Dr. Ian King

..... 7) Pick the right width. Sid: Optimum dimensions for bench width again will be influenced by your body-weight, shape, and back width. Ideally, the bench will allow you to place most of your force through your scapula, which should be in a retracted and motionless position! If the bench is too narrow, you won't be able to find a flat, firm place to create that action-reaction through your shoulder blades.

of the bench is too wide, the only harm is that it will restrict your range during the lowering. (While doing cambered benches, I usually find symmetrical bruising behind my shoulders every time, and it took me a while to figure out why!) Therefore, most competition benches will measure about 30 cm wide, which is ideal for the average lifter. An extremely narrow bench (relative to you) could cost you at least 10%-15% off of your 1RM.

13) The “keep those blades sheathed” principle: I want the shoulder blades not only retracted during the lift, but still, too. They provide the greatest area of action-reaction. Most trainees allow them to protract (drift outward) with the completion of the concentric phase. Don’t! Hold them tight and still. It’s almost impossible to reposition them for the next rep, and as soon as you’ve “lost” them, they can no longer act as the major action-reaction site. This simple habit could contribute as much as 55% more on your bench.

